

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

UNITED STATES OF AMERICA	§	
	§	
v.	§	NO. 6:16-CR-32
	§	(Judges Clark/Mitchell)
GARY WAYNE NIX	§	

FACTUAL BASIS

Investigation by the Longview Police Department and the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) disclosed the following facts that establish that I, the defendant, Gary Wayne Nix, violated 18 U.S.C. § 922(g)(1). I accept the following factual basis as true and correct:

1. On or about June 1, 2016, in ^{Upshur} Gregg County, Texas, in the Eastern District of Texas, Longview, Texas Police Officers and ATF Agents executed a search warrant at Gary Wayne Nix's (Nix) residence at 9397 Hwy. 155, Gilmer TX.

2. The police officers and ATF agents found Nix present at the residence and arrested him. They also recovered the following from the master bedroom of the residence: a FEG, Model PMK-380, .380 caliber, semi-automatic, pistol bearing serial number N16368, approximately fifty-four (54) .380 caliber cartridges of various manufacturers, a currency counter, a digital scale, and approximately 22 grams of marijuana. The agents also recovered approximately one gram of methamphetamine from the guest bedroom of the residence.

3. Neither the pistol nor any of the ammunition cartridges were manufactured in the state of Texas and therefore they all traveled in interstate commerce prior to Nix possessing them.


4. On June 1, 2016, Nix had been previously convicted of the following felony offenses: Manufacture/Delivery of a Controlled Substance in Penalty Group 3 or 4, a felony, in Cause Number 15,663, in the 115th Judicial District Court in and for Upshur County, Texas, on January 25, 2011, and Manufacture/Delivery of a Controlled Substance in Penalty Group One, a felony, in Cause Number 14,031, in the 115th Judicial District Court in and for Upshur County, Texas, on August 1, 2006.

5. The defendant acknowledges that these facts constitute a violation of 18 U.S.C. § 922(g)(1) (Felon in Possession of a Firearm). He hereby stipulates that the facts described above are true and correct and accepts them as the uncontroverted facts of this case.

SIGNATURE AND ACKNOWLEDGMENT BY DEFENDANT

I have read this Factual Basis and the Plea Agreement in this matter and have discussed them with my attorney. I fully understand the contents of this Factual Basis and the Plea Agreement and agree without reservation that it accurately describes my acts.

Dated: 09-29-16


GARY WAYNE NIX
Defendant

SIGNATURE AND ACKNOWLEDGMENT BY ATTORNEY FOR DEFENDANT

I have read this Factual Basis and the Plea Agreement in this matter and have reviewed them with my client, **Gary Wayne Nix**. Based upon my discussions with my client, I am satisfied that he understands the terms and effects of the Factual Basis and the Plea Agreement and that he is signing this Factual Basis voluntarily.

Dated: 10/4/2016



CARLO D'ANGELO
Attorney for Defendant